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August 29, 2008

The Honorable Sue L. Robinson
United States District Court of Delaware
844 North Kign Street
Wilmington, DE 19801

Re: **U.S.A. v. James L. Cheeseman - Cr.A. No. 07-124-SLR**

Dear Judge Robinson:

At the conclusion of the hearing on the forfeiture sought by the United States on August 11, 2008, counsel for the Government requested an opportunity to respond to my letter to the Court dated August 8, 2008. Your Honor agreed and counsel then agreed to submit simultaneous letters by August 29, 2008, which would also address the hearing testimony.

The legal issue before your Honor has been addressed in Mr. Cheeseman's letter to the Court dated August 8, 2008. Mr. Cheeseman, through counsel, first contends that a forfeiture of the firearms in issue is not permissible in that the firearms were neither "involved in or used" in a knowing violation of the statute. Because the case law and argument are fully addressed in the August 8, 2008 letter, counsel will not restate the argument.¹

In determining either the applicability of the forfeiture statute to the facts of this case or whether the seizure of the firearms would be an excessive fine under the Eighth Amendment, the testimony elicited during the hearing is helpful. It is submitted that the Government's case completely failed to link Mr. Cheeseman to any active involvement concerning his operation of X-Ring Supply. While the evidence presented by the Government showed that Mr. Cheeseman may have spent nights either inside the main portion of the store or the warehouse and raises, by implication, that either he or a girlfriend used cocaine (the warehouse is where the Government's exhibits primarily focus upon the use of cocaine), there is no evidence of record that Mr. Cheeseman was actively engaged in the operational end of the business. In fact, it is clear that

¹ The Government in its letter memorandum to the Court dated August 6, 2008, relies upon the "involved in" wording as justification for the seizure. Shortly after the hearing, Mr. Rosen advised counsel that it would now raise the "used" wording in its response filed today (Exhibit 1, attached hereto). Mr. Cheeseman's letter of August 8, 2008, addresses both the "involved in or used" wording.

WIL:126028.1/CHE210-831049

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Mr. Cheeseman's addiction to cocaine had rendered him unable to operate the business. His sister, Nancy Macknatt, the current owner of the business, actually operated the business with other employees and since 2006, had been given a power of attorney for Mr. Cheeseman. (Transcript pages 77-79, attached hereto as Exhibit 2). The following testimony given by Nancy Macknatt sums up the actual situation in the years 2006 and 2007:

"Q: During this period of time in 2007, I'm going to focus on that year, was Mr. Cheeseman participating in the sale of the guns actually on the counter, selling to people?

A: I never observed him doing that.

Q: Was he participating in the purchase of firearms at that time, personally?

A: Our store manager does that.

Q: Okay. Was he participating in the day-to-day management of the business at that time?

A: No. Pretty much the store manager and I were doing it. We were -- I was paying all the bills and Bob and Dave Johnson -- Dave did certain parts of the store. He ordered things and Bob ordered, like, the guns, that sort of thing.

Q: Was your brother engaged in any active part of running the business during that period of time, to the best of your knowledge?

A: Did he -- I'm sorry?

Q: Other than the fact that the license was in his name, was he engaged in the day-to-day management of the business at any time in the preceding two or three months before his arrest?

A: Not that I'm aware of.

Q: How long had it been since he effectively engaged in the business?

A: About a couple years.

Q: So he really wasn't engaged much in the day-to-day

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operations?

A: No. I mean, if I needed him for something, I would just call him."

(Exhibit 2, Transcript pages 80-81)

The evidence from the hearing clearly portrays Mr. Cheeseman as an absentee owner/operator of a gun shop who held a federal firearms license. Other than helping himself to money apparently generated by the business through the use of his ATM card² to feed his addiction, Mr. Cheeseman was not actively engaged in the business. There is simply no evidence that he ever used or involved a firearm in any manner to facilitate his cocaine addiction.

The Government did present evidence that Mr. Cheeseman had designated certain firearms as being part of his personal collection. Agent Iardella, through an administrative inspection in January, 2007, identified a number of firearms noted as being part of his personal collection. This list of firearms was introduced as Exhibit 11 at the forfeiture proceeding. Agent Iardella described the process as to how it was determined that a firearm was part of Mr. Cheeseman's personal collection.

"Q: And could you explain what disposed to personal collection means?

A: It's in the acquisition and disposition record of the gun dealer, the guns that are acquired by the business. The other side of the books is disposition side. He logs them out to himself. So on the disposition side, it would have James L. Cheeseman. So it would come into the store as X-Rings and then be logged out to the owner's personal collection."

(Exhibit 2, Transcript page 32)

Mr. Cheeseman does not dispute that there were a number of firearms that he logged out as being his personal property and not part of the store's inventory. Mr. Cheeseman does, however, question the accuracy of Agent Iardella's testimony that some twenty-six (26) firearms logged out to Mr. Cheeseman's personal collection could not be accounted for. Although not stated in so many words, the Government seems to imply or suggest that the missing or unaccounted for firearms are proof that Mr. Cheeseman either "used" or "involved" these firearms in his addiction. That assumption or suggestion is simply inaccurate. Agent Iardella

² Testimony of ATF Agent Diane Iardella and Nancy Macknatt (Exhibit 2, Transcript pages 36-38, and 88).

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admitted she only checked records back to 1995. Regardless, her testimony is both incomplete and in error.

Exhibit 13 introduced by the Government at the hearing purports to list twenty-six (26) firearms that were listed on the January, 2007 inventory list (Government's Exhibit 11 introduced at the hearing) that were not recovered from the store. Twelve (12) of the allegedly missing firearms can be accounted for in the Acquisition and Disposition records and only three (3) of those firearms accounted for in the books pre-date 1995. For example, the following firearms from the Government's Exhibit 13 have been located in Mr. Cheeseman's records:

1. Norinco/Sile, Model 565-1, Serial No. 409998 - re-acquired by X-Ring on November 17, 1993, and transferred to third party on the same date
2. Ruger, Model 10/22, Serial No. 23683609 - re-acquired by X-Ring on September 10, 1994, and transferred to third party on October 24, 1994
3. Walther, Model GSP, Serial No. 62702 - re-acquired by X-Ring on October 23, 1995, and transferred to a third party on the same date
4. Knight Stoner, Model SR25 match, Serial No. 24098 - re-acquired by X-Ring on August 30, 1995, and transferred to third party on the same date
5. Ruger, Model Mini 14, Serial No. 18252031 - re-acquired by X-Ring on July 23, 1997, and transferred to a third party on August 30, 1997
6. Remington, Model XP-100, Serial No. 87518040 - re-acquired by X-Ring on November 14, 1997, and transferred to third party on same day
7. Winchester, Model 1897, Serial No. H9452 - re-acquired by X-Ring on December 9, 2000, and transferred to third party on same day
8. Springfield ALR Ord., Model M1 Tanker Garand, Serial No. 394914 - re-acquired by X-Ring on March 20, 1998, and transferred to third party on March 21, 1998
9. Polytech, Model AK47, Serial No. 8799 - re-acquired by X-Ring on March 20, 1998, and transferred to third party on March 21, 1998

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10. Polytech, Model AKS-762, Serial No. CF-10658 - re-acquired by X-Ring on April 9, 1998, and transferred to third party on April 11, 1998
11. Mitchell Arms, Model GS45, Serial No. M951613 - re-acquired by X-Ring on July 31, 1998, and transferred to third party on the same date
12. Para Ordance, Model P12, Serial No. RS4691 (listed as RJ in X-Ring records) - re-acquired by X-Ring on December 22, 1994, and transferred to third party on the same date

(Exhibit 3, attached hereto)³

Even though Mr. Cheeseman held a federal firearms license, he was not required to record the transfer of a firearm held by him for personal use if he had it for at least a year. Moreover, it is submitted that Mr. Cheeseman could likely account for all the alleged missing firearms if he had access to the records seized by the Government. The firearms listed as recovered in the Government's Exhibit 12 introduced at the hearing are firearms belonging to Mr. Cheeseman and were not part of the seized inventory.

While it is contended that none of the firearms can be forfeited for the reasons already noted, Mr. Cheeseman submits that the Court can distinguish between the inventory of X-Ring Supply and the personal collection of firearms held separately by Mr. Cheeseman⁴. The value of the personal firearms still in the possession of the Government is approximately \$67,000.00⁵. Two of the firearms identified by the Government as having been recovered (United States, Exhibit 12 Forfeiture Hearing), the Kimber Classic K770 Models K0012 and K0005, are very rare and valuable. Mr. Cheeseman estimates these rifles are worth between \$10,000.00 and \$40,000.00 and \$15,000.00 and \$50,000.00, respectively. The \$67,000.00 figure estimated as the value of the personal firearms uses the lower end valuations for the Kimber firearms. If they

³ Exhibit 3 consists of the acquisition page and corresponding disposition pages taken from Mr. Cheeseman's state books. The Government seized most of Mr. Cheeseman's records precluding him from tracing the whereabouts of all the alleged missing firearms. Additionally, Mr. Cheeseman can account for 2 other firearms on the list - the Colt 1991 Compact and Caspian Arms LTD, Hi Cap Kit 1911. The Colt was sold to a friend some time in 1994 and the Caspian Arms firearm was re-acquired by X-Ring on February 21, 1998, and logged in. See last page of Exhibit 3.

⁴ The firearms held personally by Mr. Cheeseman were for several years kept at the home of his former wife. Even after he retrieved them and brought them back to X-Ring Supply, these firearms were segregated from the store inventory (Exhibit 2, Transcript pages 70-71 and 90-92).

⁵ This figure utilizes the estimated value of the firearms as determined by the Government and the estimated value of some of the personal firearms, including the 2 Kimber firearms, which was supplied to the Government by letter in early June of 2008 and has not been disputed.

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are valued at the high end, the personal firearms may have an estimated value of approximately \$132,000.00⁶.

The Government allows that it has seized firearms valued in excess of \$371,500.00 (F.N. 2, page 2 of the Government's letter to the Court dated August 6, 2008), but it does not contest the fact that when unaccounted for ammunition and collector value is included, the total value of the seized property may be in excess of \$500,000.00. It is contended that the seizure of such a valuable collection of firearms, the large majority of which are indisputably the inventory of X-Ring Supply, has "absolutely no correlation to any damages sustained by society or to the cost of enforcing the law". *Austin v. U.S.*, 509 U.S. 602, at 622, citing *U.S. v. Ward*, 448 U.S. 242 (1980). Even though Mr. Cheeseman's sentencing will not occur until this matter has been resolved, the fact that Mr. Cheeseman is a first-time offender will likely impact upon the amount of fine, if any, imposed by this Court. The fine range for Mr. Cheeseman is \$7,500.00 to \$75,000.00 pursuant to U.S.S.G. § 5E 1.2(c)(3). Despite this fact, the Government proposes a seizure having a value nearly seventy (70) times in excess of the minimum guideline recommended fine⁷.

The Government intends to destroy all forfeited firearms and ammunition.. (Exhibit 2, Transcript pages 3 and 4). Such forfeiture and destruction are completely unnecessary in this case for the reasons argued in counsel's letter to the Court dated August 8, 2008 and stated herein. The firearms and ammunition are not in and of themselves contraband. They are lawfully sold in every state in America. The forfeiture, at least in this case, is not associated with any unlawful use or trade of the firearms. The firearms and ammunition are being sought by the Government simply because Mr. Cheeseman held a Federal Firearms License ("FFL") at the time of his arrest. Shortly after his arrest, Mr. Cheeseman sought to transfer all the assets of X-Ring to his sisters, who have purchased the business and its inventory (including the seized property) (Exhibit 2, Transcript pages 81-83) and obtained a FFL⁸. If the firearms are returned to X-Ring Supply, they would be handled in a lawful manner, subject to the laws and rules applicable to the sale of firearms. When asked how the seized property would be handled if returned to X-Ring Supply, Nancy Macknatt stated as follows:

"A: Just like we do with any other firearm. They would be logged into our books, and any guns that are sold, they must fill out paperwork, state and federal paperwork, and

⁶ Considering the extremely valuable nature of the 2 Kimber rifles, if the Court determines that equitable principles should govern in the determination whether the Government's proposed seizure is an excessive penalty under the Eighth Amendment, it is submitted that these 2 firearms should be excluded from seizure. If excluded, the forfeiture of the remaining firearms held by the Government would still be valued at approximately \$42,000.00.

⁷ The weakness of the Government's position is best evidenced by the somewhat bizarre assertion that had the Government charged Mr. Cheeseman with six hundred (600) offenses, as it apparently could under a literal interpretation of the law, he would have faced possible statutory fines amounting to \$150,000,000.00. Therefore, the Government argues the seizure of the inventory and personal firearms, even if valued in excess of \$500,000.00, is well within the sense of fairness.

⁸ Mr. Cheeseman has no interest in X-Ring Supply LLC (See Exhibit 4, Affidavit of Nancy Macknatt).

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then we call into the state so that they can do a background check, and we call into the federal, and then they do a background check, and they're the ones that tell us, yes or no, if that particular person can have a gun or not.

Q: And your brother would have absolutely no contact with those firearms, would he?

A: No.

Q: And you understand he's a person prohibited --

A: Yes.

Q: -- as of he entered the guilty plea?

A: Yes.

Q: If the firearms and ammunition were returned to you, would you be able to sell them in the normal course of business?

A: Yes."

(Exhibit 2, Transcript page 85)

The Court ultimately must determine whether the Government has the statutory authority to forfeit the firearms and ammunition that was seized. Counsel for both Mr. Cheeseman and the Government have argued their respective positions regarding the statute in issue. In interpreting whether the wording of 18 U.S.C.A. § 924(d)(1), "involved in or used in any knowing violation" is applicable to the factual situation before the Court, it is submitted the wording is ambiguous at best. In such situations, the law must be interpreted in favor of the defendant, Mr. Cheeseman. In a somewhat analogous situation, the United States Supreme Court recently rejected the Government's argument that the term "proceeds" in the money-laundering statute, 18 U.S.C. § 1956, included receipts. In rejecting the argument of the Government, the United States Supreme Court in an opinion authored by Justice Scalia stated:

"Under either of the word's ordinary definitions, all provisions of the federal money-laundering statute are coherent; no provisions are redundant; and the statute is not rendered utterly absurd. From the face of the statute, there is no more reason to think that 'proceeds' means 'receipts' than there is to think that 'proceeds' means 'profits'. Under a long line of our decisions, the tie must go to the defendant. The rule of lenity requires ambiguous criminal laws to be interpreted in favor of the defendants subjected to them [citations omitted]. This venerable rule not only vindicates the fundamental principle that no citizen should be

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held accountable for a violation of a statute whose commands are uncertain, or subjected to punishment that is not clearly prescribed. It also places the weight of inertia upon the party that can best induce Congress to speak more clearly and keeps courts from making criminal law in Congress's stead. Because the 'profits' definition of 'proceeds' is always more defendant-friendly than the 'receipts' definition, the rule of lenity dictates that it should be adopted."

United States v. Santos, 128 S.Ct. 2020,
2025 (June 2, 2008)

In conclusion, it is submitted that all the firearms should be returned to X-Ring Supply LLC now owned by Nancy Macknatt and Pam Rhoades rather than destroyed. The forfeiture statute is not applicable to the facts of this case as the seized property was neither "used" nor "involved" with Mr. Cheeseman's drug addiction. In the alternative, if the Court determines the forfeiture law covers this situation, it is submitted the penalty the Government seeks to impose upon Mr. Cheeseman is grossly excessive and unfair and that the seized property should be returned to X-Ring Supply as the Court deems just.

Respectfully submitted,

/s/ Charles M. Oberly, III, #743

Charles M. Oberly, III (ID# 743)

CMO,III/mdm
Attachments

cc: Keith M. Rosen, AUSA

EXHIBIT 1

U.S. Department of Justice

United States Attorney's Office
District of Delaware

Nemours Building
1007 Orange Street, Suite 7100
P.O. Box 2046
Wilmington, Delaware 19899-2046

(302) 573-6277
FAX (302) 573-6220

August 21, 2008

Hand Delivered

Charles M. Oberly, III, Esquire
WolfBlock
1100 N. Market Street
Suite 1001
Wilmington, Delaware 19801

Re: **United States v. James L. Cheeseman**
Criminal Action No. 07-124-SLR

Dear Charlie:

In our prior discussions, I indicated that I would argue that the firearms are forfeitable under the "involved in" clause of Section 924(d)(1), and not the "used in" clause. While the application of the "involved in" clause remains my principal argument, my review of your letter memorandum and the cases cited therein since the hearing suggests that the Government should also prevail under the "used in" clause. Accordingly, I do not expect to concede that "used in" does not apply here in my post-hearing brief.

As our briefs will be filed simultaneously, I am giving you notice of this argument. If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

COLM F. CONNOLLY
United States Attorney

By: _____

Keith M. Rosen
Assistant United States Attorney
Chief, Criminal Division

pc: Joseph Hurley, Esquire

EXHIBIT 2

1 If the Court would permit, I would ask that the
2 Court have the defendant put that on the record so that we
3 don't come back to this at some later date with an issue
4 being raised about a conflict.

5 Thank you, your Honor.

6 THE COURT: All right.

7 MR. ROSEN: Otherwise, the government is
8 prepared to proceed at the courts direction.

9 THE COURT: All right. I guess, before we
10 begin, we do need a statement from Mr. Cheeseman that the
11 fact that Mr. Oberly is representing him in the criminal
12 proceeding and his sisters in what may or may not be part of
13 the forfeiture proceeding is not a problem for you.

14 THE DEFENDANT: No, your Honor.

15 THE COURT: All right. Before we begin, I need
16 the bottom lines in terms of what each party wants, because
17 it's not altogether clear.

18 I take it the government believes that it is
19 appropriate to seize -- well, it already has seized, are but
20 to destroy, I take it, the 600-plus guns. Is that right,
21 Mr. Rosen?

22 MR. ROSEN: Yes, your Honor. The government's
23 position is that the weapons are forfeitable under Section
24 924(d)(1) of Title 18, which provides that any weapons
25 involved in or used in a 922(g) offense are forfeitable to

1 the government. This will likely result in the destruction
2 of the weapons since, as the Court may or may not be aware,
3 the government, by statute, does not sell firearms when it
4 forfeits them. But that issue is not before the Court. The
5 bottom line for the government is that these weapons are
6 properly forfeitable. We noticed them in the indictment in
7 a Notice of Forfeiture. Administrative notices were sent to
8 the defendant concerning the forfeiture of the weapons and
9 we're proceeding criminally with that as opposed to a civil
10 proceeding.

11 THE COURT: All right. And in your mind, you
12 think this certainly is legal, but also reasonable?

13 MR. ROSEN: Correct, your Honor. And to put a
14 slightly finer point on it, if I can, under the Supreme
15 Court's decision in *Bajakajian*, that the forfeiture is
16 not grossly disproportionate to the severity of the
17 offense.

18 THE COURT: All right. Thank you, Mr. Rosen.

19 Mr. Oberly, what is it that defendant wants to
20 accomplish by reason of this hearing?

21 MR. OBERLY: Your Honor, I guess the basic thing
22 we would like, to be a fair distribution of what we think
23 would be fair under the circumstances. We've made two
24 arguments in our response to the government's position.

25 One is, we do take the position that the

Iardella - direct

1 A. Yes.

2 Q. And could you explain what disposed to personal
3 collection means?

4 A. It's in the acquisition and disposition record of the
5 gun dealer, the guns that are acquired by the business. The
6 other side of the books is disposition side. He logs them
7 out to himself. So on the disposition side, it would have
8 James L Cheeseman. So it would come into the store as
9 X-Rings and then be logged out to the owner's personal
10 collection.

11 Q. When you did the inventory of the store in August of
12 2007, did you compare the inventory of the store with this
13 personal collection list?

14 A. Recently, yes.

15 Q. All right. And at the time you did the search, did
16 the defendant distinguish between the personal collection
17 guns and the store inventory guns?

18 A. Yes.

19 Q. How so?

20 A. He had them marked with a tag that said owner's
21 personal collection hanging off of, you know, whatever
22 container the guns would have been in.

23 Q. All right. Were all the guns that were disposed to
24 personal collection found in the store at the time of the
25 search warrant?

Iardella - direct

1 A. Yes.

2 Q. This was -- the arrest in this case was on August
3 the 5th by State Police?

4 A. Yes.

5 Q. Agent Iardella, are you familiar with how, from your
6 investigation, how X-Ring Supply handled its banking and its
7 money?

8 A. I'm familiar with, yes, looking at some of the banking
9 documents, yes.

10 Q. Would it be fair to say that the banking for the
11 business was done in a bank account in the name of Mr.
12 Cheeseman?

13 A. Yes.

14 Q. Did you come to determine who had a debit card on that
15 account?

16 A. Yes.

17 Q. And who was that?

18 A. Mr. Cheeseman.

19 Q. Did you analyze the financial records from that bank
20 account for a period of time, from December of '06 through
21 May of 2007?

22 A. Yes.

23 Q. And could you describe in general terms what you
24 found?

25 A. Numerous ATM bank transactions on a given day, like

Iardella - direct

1 four or five times a day, to the tune of, for the month, I
2 think about probably between 12,000 and \$15,000 was taken
3 out, just in ATM fees. Not fees -- ATM money.

4 MR. ROSEN: I'm showing counsel what I have
5 already marked for identification as Government's Exhibit 14
6 (handing exhibit to Mr. Oberly).

7 May I hand up a copy, your Honor?

8 THE COURT: Yes. Thank you.

9 (Mr. Rosen handed an exhibit to the Court.)

10 BY MR. ROSEN:

11 Q. Agent Iardella, showing you what has been marked for
12 identification as Government's Exhibit 14, ask you to take a
13 look at that, please (handing exhibit to the witness).

14 Do you recognize what that is?

15 A. Yes.

16 Q. What's Government's 14?

17 A. It's just a summary of the ATM withdrawals, just
18 showing the high frequency of the certain -- like every
19 day almost there was money taken out of an ATM. Some of
20 these days were higher frequency, four and five and six
21 times and at different MAC machines. It wasn't the same MAC
22 machine that somebody was going to.

23 Q. Okay. So for each month that was analyzed there, you
24 have listed a total amount of ATM withdrawals; is that
25 right?

Iardella - direct

1 A. Yes.

2 Q. And what was the range of amounts for that?

3 A. For these months, 12,000 to \$17,000.

4 Q. Okay. And you have certain days broken out there?

5 A. Yes.

6 Q. Are those representative days?

7 A. Yes.

8 Q. So those aren't the only days when ATM transactions
9 were done?

10 A. No.

11 Q. And for those representative days, what have you
12 identified?

13 A. The number of withdrawals and the amount, the total
14 amount of withdrawal from, like, that day.

15 Q. Did you, after doing this analysis, speak to other
16 people who worked at X-Ring Supply and try to determine
17 whether this was a business purpose for these withdrawals?

18 A. Yes.

19 Q. And what did you determine?

20 A. There wasn't a business purpose on their end.

21 MR. ROSEN: May I have a moment, your Honor?

22 THE COURT: Yes, you may.

23 (Pause.)

24 BY MR. ROSEN:

25 Q. Agent Iardella, you talked about the inspection that

Walker - direct

1 went outside, and a few minutes later, a customer came in
2 and came to me and said, What's he on?

3 I said, What do you mean?

4 He said, You know, he's on something.

5 I said, No, he's probably just drunk.

6 And the customer said, No. He's -- he's on
7 crack or cocaine. He's high.

8 Q. Why did you say he's probably just drunk?

9 A. He liked to have a few drinks now and then.

10 Q. While he was at work?

11 A. Mostly after work.

12 Q. I want to take you to July 29th of '07. Do you recall
13 helping Mr. Cheeseman move some guns out of his ex-wife's
14 house on that day?

15 A. If that was a Sunday, yes.

16 Q. Tell us what you were there do that day?

17 A. I was just there helping him move his personal
18 belongings out of the house.

19 Q. Did Mr. Cheeseman bring a trailer or a truck or
20 something like that to take the equipment?

21 A. Yes. He brought his -- I think it was an Excursion
22 and a trailer.

23 Q. Did Mr. Cheeseman seem high or inebriated at the time
24 to you?

25 A. Didn't seem to be. Not that I could tell.

Walker - direct/cross

1 Q. Did you help him load the guns into the trailer?

2 A. Yes.

3 Q. Did you help Mr. Cheeseman unload the guns?

4 A. No.

5 MR. ROSEN: Thank you, your Honor. I have no
6 further questions.

7 THE COURT: All right. Cross-examination.

8 CROSS-EXAMINATION

9 BY MR. OBERLY:

10 Q. At the time Mr. Cheeseman removed the guns from
11 his house, he had been divorced from his wife; is that
12 correct?

13 A. Yeah, I guess. I don't -- I don't remember the exact
14 date of his divorce or whatever.

15 Q. That occurred some time around 2002/2003. Is that
16 your memory?

17 A. The divorce?

18 Q. Yes.

19 A. Yeah.

20 Q. 2004, somewhere in that area? It's before Charlotte
21 was there in 2005, wasn't it?

22 A. Yeah, I believe so.

23 Q. All right. You indicated that in the period of about
24 ten years, you worked there maybe a little over ten years,
25 during that period of time, did you ever see Mr. Cheeseman

Macknatt - direct

DEFENDANT'S TESTIMONY

NANCY J. MACKNATT, having been duly
sworn as a witness, was examined and testified as
follows...

DIRECT EXAMINATION

BY MR. OBERLY:

Q. Ms. Macknatt, what is your present employment?

A. X-Ring Supply, LLC.

Q. I'm sorry. You've got to speak louder, into the
microphone so we can hear you.

A. X-Ring Supply, LLC.

Q. Okay. And are you the owner/operator of that business
at the present time?

A. Yes.

Q. I'd like to focus on the period of time starting in
about 2005/2006. Were you employed at X-Ring Supply at that
time?

A. Yes.

Q. And in what capacity were you employed?

A. I did all the book work.

Q. Okay. Could you lean the mike closer so we can all
hear you?

A. I did the book work.

Q. And how long had you been employed there?

A. Five or six years, I guess.

Macknatt - direct

1 Q. And who else worked with you at X-Ring?

2 A. There was Ron and Dave Johnson, Robert Henry, and
3 later on, Dave black came in.

4 Q. Did there come a time that you actually had power of
5 attorney over your -- let me strike that.

6 Who is James Cheeseman?

7 A. My brother.

8 Q. And is he an older brother or younger brother?

9 A. He's younger than I am.

10 Q. Okay. Was there a time in which you obtained a power
11 of attorney on behalf of your brother?

12 A. Yes.

13 Q. And when did that occur?

14 A. 2006.

15 Q. And why did you get a power of attorney for him?

16 A. My mother felt that he should have a power of
17 attorney, that we should have one, because he was divorced
18 and didn't have a will or anything else.

19 Q. Were you aware back in 2006 that he had a cocaine
20 addiction problem?

21 A. No.

22 Q. Were you aware that he had any problems at that time?

23 A. Other than I knew he had hernia problems and some
24 heart problems, that sort of thing.

25 Q. When did you become aware for the first time that he

Macknatt - direct

1 had a cocaine addiction?

2 A. For sure, just before he went to the first treatment
3 center.

4 Q. And when did he go for treatment? Do you remember
5 when that was?

6 A. I don't really remember.

7 Q. Was that prior to his arrest?

8 A. I believe it was.

9 Q. Okay. Focusing in on the time period of August/July
10 of 2007, who actually ran and operated the day-to-day
11 activities of the gun store?

12 A. The store manager, Robert Henry, and myself.

13 Q. Okay. The store was owned by your brother, is that
14 correct, during this period of time?

15 A. Yes.

16 Q. And the Federal Firearms License was in his name at
17 that period of time?

18 A. That's correct.

19 Q. How often did you observe your brother on the
20 premises?

21 A. It was sporadic. I mean, sometimes I would see him
22 two or three times a week. Sometimes I wouldn't see him for
23 a week.

24 Q. Were you aware that he was utilizing the warehouse to
25 stay at sometimes?

Macknatt - direct

1 A. The warehouse?

2 Q. Yes.

3 A. I didn't think he stayed in the warehouse. I knew he
4 stayed in the store once in a while.

5 Q. Okay. So you were aware that he stayed in the store,
6 but you were not aware he was sleeping in the warehouse on
7 occasion?

8 A. No. He was usually, from my understanding, is the
9 beach. He has a beach place, and then he has -- had a
10 girlfriend up in Pennsylvania.

11 Q. And --

12 A. Once in a while, he would stay in the store.

13 Q. During this period of time in 2007, I'm going to focus
14 on that year, was Mr. Cheeseman participating in the sale of
15 the guns actually on the counter, selling to people?

16 A. I never observed him doing that.

17 Q. Was he participating in the purchase of firearms at
18 that time, personally?

19 A. Our store manager does that.

20 Q. Okay. Was he participating in the day-to-day
21 management of the business at that time?

22 A. No. Pretty much the store manager and I were doing
23 it. We were -- I was paying all the bills and Bob and
24 Dave Johnson -- Dave did certain parts of the store.

25 He ordered things and Bob ordered, like, the guns, that sort

Macknatt - direct

1 of thing.

2 Q. Was your brother engaged in any active part of running
3 the business during that period of time, to the best of your
4 knowledge?

5 A. Did he -- I'm sorry?

6 Q. Other than the fact that the license was in his name,
7 was he engaged in the day-to-day management of the business
8 at any time in the preceding two or three months before his
9 arrest?

10 A. Not that I'm aware of.

11 Q. How long had it been since he effectively engaged in
12 the business?

13 A. About a couple years.

14 Q. So he really wasn't engaged much in the day-to-day
15 operations?

16 A. No. I mean, if I needed him for something, I would
17 just call him.

18 Q. You were aware, however, he was staying overnight
19 there on occasion?

20 A. Yes.

21 Q. Subsequent to the arrest of your brother, did
22 you attempt to purchase his interest in the business from
23 him?

24 A. Before he was arrested?

25 Q. No. Subsequent to his arrest, after his arrest, did

Macknatt - direct

1 you attempt to purchase the business?

2 A. Yes. Right immediately after.

3 Q. And did you and your brother go so far as to seek
4 legal counsel?

5 A. Yes.

6 Q. And did you have legal counsel attempt to draw up a
7 contract to purchase the business?

8 A. Yes.

9 Q. And was that a contract that was dated October 1st of
10 2007?

11 A. That's when the settlement was to happen, but we
12 actually went to see Mr. Dixon, I believe it was, like,
13 September 7th.

14 Q. And that was after his arrest, but, in any event; is
15 that correct?

16 A. Yes.

17 Q. And did that sale ever go through?

18 A. Yes.

19 Q. And when did it go through?

20 A. Well, we signed all the paperwork October. It
21 was before October 1st, actually, or right around
22 October 1st.

23 Q. Did you subsequently or at some point in time apply
24 for a Federal Firearms License?

25 A. Yes.

Macknatt - direct

1 Q. Did you obtain a Federal Firearms License?

2 A. It took a while, but, yes.

3 Q. In whose name is the Federal Firearms License in
4 now?

5 A. It's in the business name, X-Ring Supply LLC.

6 Q. And who owns that?

7 A. My sister, Pam Rhodes, and I.

8 Q. And is Jim Cheeseman any part of that operation at the
9 present time?

10 A. Yes.

11 Q. Are you currently operational?

12 A. Yes.

13 Q. Are you currently selling guns and firearms and
14 ammunition?

15 A. Yes.

16 Q. And are you aware that the federal government has
17 seized about 600-plus firearms plus ammunition and gun
18 powder that was one part of the inventory of that store?

19 A. Yes.

20 Q. Were you aware that your brother had a personal
21 collection of firearms that he kept or identified
22 separately?

23 A. Yes.

24 Q. And do you know where he kept those firearms prior to
25 his arrest?

Macknatt - direct

1 having to do with the forfeiture of the firearms that were
2 seized when the federal authorities executed a search
3 warrant; is that correct?

4 A. Yes.

5 Q. If those firearms were to come back into your
6 possession, how would they be handled?

7 A. Just like we do with any other firearm. They would
8 be logged into our books, and any guns that are sold, they
9 must fill out paperwork, state and federal paperwork, and
10 then we call into the state so that they can do a background
11 check, and we call into the federal, and then they do a
12 background check, and they're the ones that tell us, yes or
13 no, if that particular person can have a gun or not.

14 Q. And your brother would have absolutely no contact with
15 those firearms, would he?

16 A. No.

17 Q. And you understand he's a person prohibited --

18 A. Yes.

19 Q. -- as of he entered the guilty plea?

20 A. Yes.

21 Q. If the firearms and ammunition were returned to you,
22 would you be able to sell them in the normal course of
23 business?

24 A. Yes.

25 MR. OBERLY: I have no further questions.

Macknatt - cross

1 money out of the account were your brother and Bob Henry;
2 is that right?

3 A. Correct.

4 Q. There came a time, though, about two months or so
5 before your brother was arrested that you did notice some
6 unusual financial transactions on the bank account; is that
7 correct?

8 A. Correct.

9 Q. And you saw a lot of ATM withdrawals on the account?

10 A. Yes.

11 Q. And you knew that your brother had the ATM card on the
12 account?

13 A. Yes.

14 Q. And you got concerned about this; is that right?

15 A. Yes.

16 Q. And was this before or after you had taken your
17 brother to his first attempt at rehab?

18 A. I believe it was just before.

19 Q. Okay. And when you got concerned about this, you
20 actually took the debit card away from him; is that right?

21 A. I don't remember doing that.

22 Q. You don't? Okay. Do you remember telling -- do you
23 remember Agent Iardella?

24 A. Yes.

25 Q. Do you remember talking to her?

Macknatt - cross

1 A. Occasionally, yeah.

2 Q. Okay. And it sounds like you saw him exhibiting some
3 behaviors that gave you concern --

4 A. Mm-hmm.

5 Q. -- when he was at the store. You mentioned falling
6 asleep at the desk, or what have you?

7 A. Right.

8 Q. Were you seeing your brother outside of the store
9 context as well?

10 A. Not really.

11 Q. Okay. So whatever it is that --

12 A. Holidays.

13 Q. I'm sorry?

14 A. Holidays.

15 Q. Okay. But at this time in 2007, whatever you saw that
16 made you decide I need to ask Jim if he's on drugs was what
17 you saw when he was at the store. Is that about right?

18 A. Mm-hmm.

19 Q. Okay. You were asked by Mr. Oberly about Jim's
20 personal guns.

21 A. Mm-hmm.

22 Q. Do you remember that?

23 A. Mm-hmm.

24 Q. And you talked about how they were kept at the
25 ex-wife's house?

Macknatt - cross

1 A. Mm-hmm.

2 Q. And eventually he took them out of there?

3 A. Right.

4 Q. And I think you said that after that point, the guns
5 were kept at the store?

6 A. Correct.

7 Q. How did you know that?

8 A. I saw them.

9 Q. You saw guns at the store?

10 A. Right. They were back in the bathroom.

11 Q. I'm sorry. Where were they, ma'am?

12 A. They were back -- we have a large bathroom. They were
13 kept on top of the filing cabinet.

14 Q. Back in the bathroom. Is that what you said?

15 A. Mm-hmm.

16 Q. Where is that bathroom in relationship to the rest of
17 the layout of X-Ring Supply?

18 A. Well, the store is in the front. Then you have to go
19 back to the office and then it's off to the side of the
20 office.

21 Q. And how did you know they were Jim's guns as opposed
22 to just some other inventory that was kept in the bathroom?

23 A. Because I was told they were brought back there.

24 Pat wanted them out of the house. He had to bring them
25 back.

Macknatt - cross

1 Q. Who told you that?

2 A. My brother told me that Pat told him that it was time
3 for him to get his property --

4 Q. Okay.

5 A. -- from the house.

6 Q. And you said these guns, they were in that bathroom on
7 top of some filing cabinets?

8 A. Mm-hmm.

9 Q. Is that right? And these were both long guns and
10 handguns; is that right?

11 A. I guess, yeah. I didn't really pay attention to
12 them.

13 Q. Okay. And there were a lot. We're talking about
14 40 or so guns?

15 A. I'm not sure. Like I said, I didn't really -- I
16 didn't really pay attention to them. I just knew they
17 were his and they were up there. I don't know what he
18 had.

19 Q. All right. And were they locked up in there? Were
20 they in a safe or secured in any way or were they just lying
21 on the file cabinets?

22 A. On top of the filing cabinets.

23 Q. All right. You knew a woman named Charlotte?

24 A. Yes.

25 Q. And what was Charlotte's relationship with your

EXHIBIT 3

Page

1A

FIREARMS

ACQUISITION AND

DESCRIPTION OF FIREARM						RECEIPT	
#	MANUFACTURER AND/OR IMPORTER	MODEL	SERIAL NUMBER	TYPE OF ACTION	CALIBER OR GAUGE	DATE	FROM WHOM RECEIVED (Name and address or Name and License Number)
	INTRATEC	DC9	DO 51207	SEMI AUTO	9MM	11/17/93	RSR North 21 Trolley Circle Rochester, NY 14606
	INTRATEC	DC9	DO 47692	SEMI AUTO	9MM	11/17/93	RSR North 21 Trolley Circle Rochester, NY 14606
	INTRATEC	DC9	DO 47694	SEMI AUTO	9MM	11/17/93	RSR North 21 Trolley Circle Rochester, NY 14606
	RUGER	77	781 44413	PUMP	300	11/17/93	CHEESEB CUSTAR RCPMR FFL #52 33470
*	NOXINCO	565	409998	SEMI AUTO	762	11/17/93	JAMES L CHEESEMAN (OWNER) 6 WHITE OAK DR MIDDLETOWN DE 19709
	Colt	SPARTAN LT WEIGH	SLC 15986	SEMI AUTO	223	11/18/93	RSR North 21 Trolley Circle Rochester, NY 14606
	INTRATEC	DC9	DO 51212	SEMI AUTO	9MM	11/18/93	RSR North 21 Trolley Circle Rochester, NY 14606
	INTRATEC	DC9	DO 48917	SEMI AUTO	9MM	11/18/93	RSR North 21 Trolley Circle Rochester, NY 14606
	INTRATEC	DC9	DO 48918	SEMI AUTO	9MM	11/18/93	RSR North 21 Trolley Circle Rochester, NY 14606
	SMITH WESSON	6906	TBD 6916	SEMI AUTO	9MM	11/19/93	PHILIP V JENNINGS
	RUGER	MINI 14	187 90266	SEMI AUTO	223	11/19/93	PHILIP V JENNINGS
	Bushmaster	XM15 E23	2038890	SEMI AUTO	223	11/19/93	PHILIP V JENNINGS
	GEMINIST	870	A 511786M	PUMP	12GA	11/19/93	PHILIP V JENNINGS
	MARLIN	60SS	07453696	SEMI AUTO	22	11/19/93	Walter Craig Inc New Orrville Rd. POB 557 Selma, AL 36702
	MARLIN	883SS	07652520	SEMI AUTO	22	11/19/93	Walter Craig Inc New Orrville Rd. POB 557 Selma, AL 36702
	MARLIN	883SS	07652515	SEMI AUTO	22	11/19/93	Walter Craig Inc New Orrville Rd. POB 557 Selma, AL 36702
	Colt	S&W AR 15	S&W 851	SEMI AUTO	223	11/24/93	JOSEPH W BOYD 44 STAR HEAVEN NEWARK DE 19701
	DAEWOO	DR100	547427	SEMI AUTO	223	11/21/93	LARRY D STOUT 807 JEFFERY PILE DR BEAR DE 19701
	INTRATEC	TEC 9	077482	SEMI AUTO	9MM	11/21/93	DAVID L BRADSHAW 1602 TUDOR PL WILM DE 19810
	BRANNING	H1 POWER	245NM 31858	SEMI AUTO	9MM	11/21/93	WILLIAM E EVANS 1213 W 5TH ST WILM DE 19805

DISPOSITION RECORD

DISPOSITION

DATE	NAME		ADDRESS OR FORM 4473 SERIAL NO. (If Non-Licensee) [File Numerically]	LICENSE NUMBER (If Licensee) OR FORM 4473 SERIAL NO. (If Non-Licensee) [File Numerically]
7/90	CREESES Custom Shop			FFL 52-33473
10/93	Aston Field Stream			FFL 23-18391
10/93	John C TOWNSEND	4/1/63	DE 0880154	F4473 NEWCASTLE DECS 11/19/93 DA 33197
1/94	STRUM RUGER CO			411 S. NANCE St REPAIR NEWPORT N#43773
1/93	SCOTT S MEIKEL	5/27/65	DE 0891203	F4473 11/11/93 DA 32937
20/93	Robert A MACEIDERRY	12/13/60	DE 0853064	F4473 NEWCASTLE DECS 11/17/93 DA 33228
20/93	John C TOWNSEND	4/1/63	DE 0880154	F4473 NEWCASTLE DECS 11/19/93 DA 33197
20/93	RICHARD R CCFANS	7/12/65	DE 0917563	F4473 NEWCASTLE DECS 11/14/93 DA 33278
20/93	ROLAND C WALKER SR	7/5/66	DE 0926758	F4473 NEWCASTLE DECS 11/22/93 DA 33166
20/93	HARRY R McDONALD			FFL 23-19004
2/94	PHILIP V JENNINGS	9/4/40	DE 0610642	F4473 2/19/94 DA 38551
23/93	DANNY E SAVINNA	8/30/60	DE 0823300	F4473 11/32/93 DA 33449
6/94	MARK STEPHEN HESTER			F4473 9/10/94 DA
10/94	CREESE Custom Shop			FFL 52-33473
10/94	CREESE Custom Shop			FFL 52-33473
10/94	CREESE Custom Shop			FFL 52-33473
18/94	SWAIN FIREARM Supply			FFL 52-33052
12/1/94	Williams G. Copes	11/8/47	DE 529170	F4473 NEWCASTLE DECS 11/31/93 DA K022
1/4/93	JAMES M. Filmmat	11/16/67	DE 567291	F4473 CLAYMONT DECS 12/3/93 DA 34306
1/4/93	JAMES M. Filmmat	11/16/67	DE 567291	F4473 CLAYMONT DECS 12/4/93 DA 34266

FIREARMS

ACQUISITION AND

DESCRIPTION OF FIREARM						RECEIPT	
#	MANUFACTURER AND/OR IMPORTER	MODEL	SERIAL NUMBER	TYPE OF ACTION	CALIBER OR GAUGE	DATE	FROM WHOM RECEIVED (Name and address or Name and License Number)
	PRYCO JENNINGS	354	827787	SEMI Auto	9mm	9/8/94	SILE DIS, INC 998 NO COLORADO ROAD MERIDEN CT 06450
	SIG SAUER	P229	AD 22013	SEMI Auto	40 S&W	9/8/94	RSR North 21 Trolley Circle Rochester, NY 14606
	Colt	Detachable SPECIAL	5795RD	Revolver	38	9/8/94	RSR North 21 Trolley Circle Rochester, NY 14606
	Glock	17	APN 95603	SEMI Auto	9mm	9/9/94	DONALD R HUSTON RD 8 BOX 285-A2 DOVER DE 19901
	BROWNING	ABolt	08182 PE136	BOH	22LR	9/10/94	STEPHEN V SCHAEFF 25 CHARTEWELL RD WEST GROVE PA 19380
*	Ruger	10/22	236 83604	SEMI Auto	22	9/10/94	JAMES CHEESEMAN OWNER'S COLLECTION
	SIG SAUER	P220	G 141528	SEMI Auto	45	9/10/94	D&B GUNS # 22-09863
	Smith Wesson	mod 66	9X35627	Revolver	357	9/10/94	D&B GUNS # 22-09863
	BERETTA	92	E. 249182	SEMI Auto	9mm	9/10/94	ROBERT A DAVIS 220 GEODES ST WILMINGTON DE 19805
	Amt	WHITES	303276	SEMI Auto	22	9/10/94	GILL D BUSH 16 ROUKE CT NEWARK DE 19702
	Colt	Government	171601	SEMI Auto	45 38	9/10/94	ROBERT G BERSHANE 216 STANLEY RD WILM DE 19810
	TAURUS	684	SD 287785	Revolver	357	9/10/94	FABIO SANSERVINO 4 BARBERY PI WILM DE 19810
	DAN WESSON	714	SD 005046	Revolver	357	9/10/94	THOMAS G PISER 1903 OAK LAKE RD WILM DE 19803
	Remington	VIPER	3818666	SEMI Auto	22 LR	9/10/94	JOHN BARNOWSKI 13 OLESON AVE NEW CASTLE DE 19720
	Stearling	MK6	SA 0808	SEMI Auto	9mm	9/10/94	WALTER M JOHNSON POB 584 2E MAIN ST RISKS SUN MD 21911
	BERETTA	950	BU 65331V	SEMI Auto	25	9/10/94	WESLEY H BOCKALEW 1337 SYCAMORE AVE WILM DE 19805
	Colt	Government	30890620	SEMI Auto	45	9/10/94	DAVID L JONES 1 LAUREL CT WILM DE 19808
	Colt	1911	588021	SEMI Auto	45	9/10/94	DAVID L JONES 1 LAUREL CT WILM DE 19808
	H I STANDARD	Victor	2476292	SEMI Auto	22	9/10/94	DAVID L JONES 1 LAUREL CT WILM DE 19808
	Smith	686	AW2 1200	Revolver	357	9/10/94	ROBERT A DAVIS 220 GEODES ST WILM DE 19805

DISPOSITION RECORD

27 CFR Sections 141.14 and 178.127 require that license records shall be in permanent form and shall be retained on the licensed premises until discontinuance of business. Within 30 days after discontinuance of business, the records shall be delivered to the Regional Regulatory Administrator for the region in which the business was operated. Records must be available for inspection by ATF officers at all reasonable times.

DISPOSITION

DATE	NAME	DLH DATE	LIC NO ADDRESS OR LICENSE NUMBER (If Licensee) OR FORM 4473 SERIAL NO. (If Non-Licensee) [File Numerically]
10/14/94	LEONARD THOMAS BRUWU	9/23/53	DE 0662565 4473 10/53/94 DA 48124
9/9/94	Donald Robert Houston	3/25/35	DE 0529711 4473 9/26/94 DA 46340
10/14/94	CARL IMBSEY	6/18/46	DE 0500352 4473 10/51/94 DA 48133
9/10/94	ROBERT S PABLO	7/27/70	DE 0996568 4473 9/40/94 DA 46438
11/1/95	FREDERICK H DOWNS	7/17/58	DE 779459 4473 11/5/95 DA 62355
10/29/94	KEITH ALLEN KENDALL	3/14/62	DE 328520 4473 10/120/94 DA 48969
9/11/94	MARK ROLAND ZANZOTA	4/26/73	DE 0676311 4473 9/32/94 DA 46524
10/8/94	FRANCIS S.C. QUIGLEY	12/25/37	DE 206840 4473 10/29/94 DA 47910
9/11/94	WILLIAM RICHARD SCHMEIZER	9/20/56	DE 0771819 4473 9/75/94 DA 46542
9/15/94	GREGORY S MCCABE	8/5/36	DE 0104655 4473 9/84/94 DA 46605
7/28/95	WILLIAM ARTHUR COLWELL	7/10/66	DE 929817 4473 7/6/95 DA 59961
10/31/94	DENIS GERALD HARRIGAN	8/13/61	DE 0642126 4473 10/27/94 DA 49013
10/28/94	DENIS GERALD HARRIGAN	8/13/61	DE 0642126 4473 10/113/94 DA 48854
11/6/94	JOSEPHINE D. JOHNSON	12/24/47	DE 785664 4473 11/20/94 DA 49368
10/8/94	CARL IMBSEY	6/18/46	DE 0500352 4473 10/32/94 DA 47889
2/22/95	WILLIAM LUDWIG MUCKLE	12/33/49	DE 552457 4473 2/21/95 DA 74
11/6/94	ANGELO A BONNUTTA		FFL 23-36115
10/22/94	ASTM FIELD & STEAM		FFL 23-20607
10/22/94	ASTM FIELD & STEAM		FFL 23-20607
12/23/94	JAMES F RECORDS	6/24/56	DE 0749755 4473 12/22/94 DA 50411

FIREARMS

ACQUISITION AND

[illegible]

3B

DISPOSITION RECORD

27 CFR Sections 178.121 and 178.127 specify that dealer records shall be in permanent form and shall be retained on 1 licensed premises until discontinuance of business. Records must be available for inspection by BATF officers during business hours. Within 30 days after discontinuance of business, the records shall be sent to the ATF CUE-OF-BUSINESS RECORDS CENTER, 2020 STONEWALL JACKSON DR., FALLING WATERS, WV 26419 or any BATF Regional Office.

DATE	NAME	ADDRESS (STREET, CITY, STATE, ZIP)	IF FOREIGN, GIVE INTERNATIONAL ADDRESS	DATE	QTY	QTY	QTY	QTY
10/24/91	BRUCE ANTHONY DURANTE	DC 753306	4472	10/16/91	DR VCC 866	209	95	
11/10/91	WILLIAM THOMAS DREYER JR.	DC 755110	4472	11/15/91	DR 63802			
9/23/95	EUGENE F. CHAIKIN	DC 281571	4472	10/10/95	DR 62966			
10/27/95	WILLIAM EDWARD DEAR	DC 281571	4472	10/10/95	DR 63123	236	—	
11/21/95	EUGENE DRAUS SHEATH JR.	DC 281571	4472	11/25/95	DR 64378	270	—	
10/23/95	ROBERT LEE HARRIS JR.	DC 281571	4472	11/25/95	DR 62944	270		
10/30/95	SCOTT STEPHEN MEINER	DC 891203	4472	10/30/95	DR VCC 794	208	95	
10/27/95	JOSEPH DANIEL BARTZ	DC 440161	4472	10/12/95	DR —	513	66	
10/26/96	MARC STEVEN NICK	DC 20254144	4472	11/5/96	DR —	234	49	
11/10/96	CHARLES F. ADAMS JR.	DC 441225	4472	11/30/96	DR —	379	51	
9/18/94	ROBERT ANDREW BOWEN JR.	DC 20254144	4472	9/18/94	DR —	379	51	
1/20/95	ROBERT DACE EIDENBERG	DC 640175	4472	1/12/95	DR VCC 860			
9/6/95	ROBERT MENDE ROBERT	DC 1384486	4472	10/15/95	DR VCC 356			
6/25/95	RONALD I. MARTIN	DC 648124	4472	10/12/95	DR 63058			
5/97	SAMUEL ELWOOD SIMMONS	DC 1148087	4472	2/12/97	DR 9701815			

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FIREARMS

ACQUISITION AND

DESCRIPTION OF FIREARM				RECEIPT			
MANUFACTURER AND/OR IMPORTER	MODEL	SERIAL NUMBER	TYPE OF ACTION	CALIBER OR GAUGE	DATE	FROM WHOM RECEIVED (Name and Address of Name and Location)	NO. OF
Remington	770	B334470M	Pump	12 ga	5/29/95	ELCOT BAC Inc P.O. 57-35240	1
Remington	805 shooter	11451NWT92	Pump	12 ga	5/29/95	ELCOT BAC Inc P.O. 57-35240	1
Mitchell	GS 45	B651523	Semi	45	5/29/95	ELCOT BAC Inc P.O. 57-35240	1
S&W	4002	7207528	Semi	40 S&W	5/29/95	ELCOT BAC Inc P.O. 57-35240	1
Remington	Lightning Circuit	B334470M	Pump	12 ga	5/29/95	ELCOT BAC Inc P.O. 57-35240	1
Remington	870	B158156M	Pump	12	5/29/95	ELCOT BAC Inc P.O. 57-35240	1
S&W	3914	NC07962	Semi	9mm	8/29/95	ELCOT BAC Inc P.O. 57-35240	1
Remington	C170E1	D3552NVT/3	Pump	12 ga	8/30/95	ELCOT BAC Inc P.O. 57-35240	1
Imco	1320	RH 001037	Semi	9x18	8/30/95	ELCOT BAC Inc P.O. 57-35240	1
Imco	1570	RH 001155	Semi	9x18	8/30/95	ELCOT BAC Inc P.O. 57-35240	1
Colt	TM6E5 32	TM021988	Semi	22 LR	8/30/95	ELCOT BAC Inc P.O. 57-35240	1
CPH Aster	ASTAR 9100	1586D	Semi	9mm	8/30/95	ELCOT BAC Inc P.O. 57-35240	1
Mitchell	GS 45	RH 951613	Semi	45	8/30/95	ELCOT BAC Inc P.O. 57-35240	1
Remington	1187	PC4912M	Semi	12 ga	8/30/95	ELCOT BAC Inc P.O. 57-35240	1
KNIGHTS INC	SE25	24098	Semi	308	8/30/95	ELCOT BAC Inc P.O. 57-35240	1

4B

DISPOSITION RECORD

27 CFR Sections 178, 121 and 178, 127 specify that dealer records shall be in permanent form and shall be retained on the licensed premises until discontinuance of business. Records must be available for inspection by BATF officers during business hours. Within 30 days after discontinuance of business, the records shall be sent to the ATF OUT-OF-BUSINESS RECORDS CENTER, 2020 STONEWALL JACKSON DR., FALLING WATERS, WV 25419 or any BATF Regional Office.

DATE	NAME	ADDRESS OR LICENSE NUMBER (LOCAL)	OR FORM NO. 550A NUMBER (FEDERAL)	OR FORM NO. 550A NUMBER (FEDERAL)	OR FORM NO. 550A NUMBER (FEDERAL)	OR FORM NO. 550A NUMBER (FEDERAL)	OR FORM NO. 550A NUMBER (FEDERAL)	OR FORM NO. 550A NUMBER (FEDERAL)	OR FORM NO. 550A NUMBER (FEDERAL)
11/1/95	Paul Kevin Desaulniers	4000	DA 63525	205	79				
8-30-95	Elabecos	9645735240		430	-				
8/31/95	Edward P. Seichopine	8-29-98	DA 60982	427	55				
7/2/98	Michael Patrick McDougall	9645735240		340	59				
10/16/95	Gary William Lefter	06/03/95							
9/7/95	Carl Philip Kovic Jr.	4000	DA 60982	180	50				
11/1/96	Shemie D. Smith	12/1/96	DA 60982	300	50				
8/30/95	William H. Hootz	4000	DA 60982	117	50				
9/13/95	James F. Recinos	4000	DA 60982	129	50				
8/31/95	Robert N. Schmitt	06/03/95	DA 60982	125	90				
7/9/95	Donald Edward Dixon	06/03/95	DA 60982	291	95				
10/25/95	Stephen Mark Sedora	4000	DA 60982	259	95				
10/2/95	Mitchell Arms Inc.	3455 PM MacArthur Blvd Santa Ana CA 92704		407	95				
8/31/95	Louis F. Ego	4000	DA 60971						
8/30	Chas Joel Cengar	8/25/95	DA 60935						

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FIREARMS

ACQUISITION AND

DESCRIPTION OF FIREARM						RECEIPT		New/Use (optional)
Trans # (optional)	MANUFACTURER AND/OR IMPORTER	MODEL	SERIAL NUMBER	TYPE OF ACTION	CALIBER OR GAUGE	DATE	FROM WHOM RECEIVED (Name and Address of Name and License Number)	
	Colt	1903	244036	Scm	32 A&P	7/22/97	GUUS & THILUS P.O. 33 - 15560	James R
*	RUGER	MINI-14	182-52031	SDM1	-223	7/23/97	JAMES L CHESTNUT 10 WHITTON AVE MIDDLEBORO, MA 019709	
	NDA INC	M14	CO 7918	SEM1	308	7/24/97	THOMAS Peter Jacob 301 WINTERVIEW WAY NE WALK DE 15702	U
	PARROTT	14	RH 17871	SEM1	45	7/24/97	NATIONAL WIDE P.O. 88 - 33507	N
	PARROTT	14	RH 17872	SEM1	45	7/24/97	NATIONAL WIDE P.O. 88 - 33507	N
	Black	30	CFL 90705	SEM1	45	7/24/97	INTERSTATE ARMS CORP P.O. 33 - 38401	U
	BROOKHUS	REACTIC 41 POWER	245 NY 70353	SEM1	9 mm	7/24/97	VERMONT DOWNS 501 W BRISBANE CT WILM DE 19308	U
	RUGER	22/45	220-79384	SEM1	22	7/24/97	U	U
	Star	MUS FIRESTAR	2077048	SEM1	45ACP	7/24/97	MEVIN F DOWNING JR 24 BEACON LN NEW CASTLE DE 19720	U
	SAKO	Varmint	A859	Both	6mm PPC	7/24/97	Kirk L Simpson 841 Saworth Cr New DE 19701	U
	RUGER	Blk H&H	4783414	Revolver	41mm	7/25/97	ABN FEL 34175 73	N
	RUGER	Blk H&H	22095202	Revolver	308	7/25/97	U	U
	RUGER	KB 512 22-45		SEM1	22	7/25/97	U	U

SB

DISPOSITION RECORD

27 CFR Sections 178.121 and 178.127 specify that dealer records shall be in permanent form and shall be retained on the licensed premises until discontinuance of business. Records must be available for inspection by BATF officers during business hours. Within 30 days after discontinuance of business, the records shall be sent to the ATF OUT-OF-BUSINESS RECORDS CENTER, 2029 STONEWALL JACKSON DR., FALLING WATERS, WV 25419 or any BATF Regional Office.

DATE	NAME	ADDRESS OR LICENSE NUMBER (if licensee) OR FORM 4473 SERIAL NUMBER IF FORMS 4473 ARE FILED NUMERICALLY	Cost (optional)	Amount Received (Before Tax) (optional)	Inventory Number (optional)
7/22/57	Timothy Daniel Koster	11/1/67 DE 117224 4473 75497 DA 570 5726			
5/30/57	Samuel Frederick Haugh	10/1/58 DA 95386 276 4473 8/92/57 DA NCC 886			
1/15/48	Thomas Lee Ferguson	9/15/65 DE 653322 4473 6/14/58 DA 970 3550	6.75	-	
1/14/57	Christopher Kullow Cox	8/31/61 DE 311270 4473 9/21/57 DA 970 6706	4.85	02	
0/20/47	Mark Edward Agnew Hill	10/1/62 DE 1140470 4473 10/9/57 DA 970 7970	4.85	02	
1/29/57	Harry Stanley Hughes Jr	9/29/30 DE 20722 4473 7/2/57 DA 970 5273	5.25	75	
1/16/57	Thomas Barry Denton	9/26/53 DE 1076065 4473 5/6/57 DA 970 6567	3.35		
1/21/57	Michael L Pest	4/27/52 DE 632657 4473 8/5/57 DA 970 5832	1.00		
1/3/57	David Brian Acevedo	1/15/72 DE 1143219 4473 10/10/57 DA 970 7880	1.20		
8/7/57	Alan Boyd Price Jr	7/31/47 MD 0630040 4473 8/13/57 DA 570 5486	4.00	00	
1/19/48	Donald Mack Hefel Finger	12/1/49 DE 744073 4473 3/6/58 DA 970 2047	2.57	49	
1/1/57	Wayne Ruston Lovelless	12/1/46 DE 535672 4473 11/8/57 DA 970 8212	2.57	49	
1/26/57	Allen Spotts	11/10/57 DA 970 8212 4473 11/8/57 DA 970 8212	2.20	34	

Page 18 6A**FIREARMS****ACQUISITION AND**

Trans- action # (optional)	MANUFACTURER AND/OR IMPORTER	DESCRIPTION OF FIREARM				RECEIPT		New/Used (option)
		MODEL	SERIAL NUMBER	TYPE OF ACTION	CALIBER OR GAUGE	DATE	FROM WHOM RECEIVED (Name and Address or Name and License Number)	
	S&W	59	A264492	Semi	9mm	11/14/97	Gen Sport Supply	used
	AMT	Back up	A55186	Semi	380	11/14/97		used
	Star	Firststar	2091384	Semi	9mm	11/14/97		used
	CoH	Mutgang	M407265	Semi	380	11/14/97		used
	Taurus	66	P0380702	Revolver	357 mag	11/14/97		used
	CoH	Agent	19619	Revolver	38 spl	11/14/97	Luke A Martelli 115 Greenbush Rd Williamstown MA 01808	Used
*	Bernington	xp100	67518040	Bolt	7mm BR	11/14/97	James L. Clemens 6 Whitcomb St Williamstown MA 01808	Used
	Ross	971	F 281L22	Revolver	357	11/17/97	ETASIE Point Gun 467 Fessenden Ave Gibbstown NJ 08027	Used
	Ross	971	F281631	Revolver	357	11/17/97		Used
	Ross ODD	1L Signature Police Post	SS 2233	Semi	40 S&W	11/17/97	APR KFL 34 17973	Used
	CoH		217063	Revolver	32-30	11/17/97	George Brown & Son 404 New London Rd Newark DE 19711	Used

DISPOSITION RECORD

27 CFR Sections 178.121 and 178.122 specify that dealer records shall be in permanent form and shall be retained on the licensed premises until discontinuance of business. Records must be available for inspection by BATF officers during business hours. Within 30 days after discontinuance of business, the records shall be sent to the ATF OUT-OF-BUSINESS RECORDS CENTER, 2029 STONEWALL JACKSON DR., FALLING WATERS, WV 25419 or any BATF Regional Office.

DATE	NAME	ADDRESS OR LICENSE NUMBER (if license) OR FORM 4473 SERIAL NUMBER IF FORMS 4473 ARE FILED NUMERICALLY	Cost (optional)	Amount Received (Before Tax) (optional)	Inventory Number (optional)
3/48	DETOME DARRYL EASTER SR	DC 126923 4473 10/10/48 DA 980 6535			
12/48	MATTHEW SCOTT MILLER	DC 1074959 5/10/51 DA 910 3595 4473			
22/48	BESSY ANN SLAYMAN	DC 1022765 1/26/51 DA 9800 672 4473			
12/48	KEVIN CHARLES ROLOFF	DC 872502 4/25/48 DA NCC 1103 4473			
11/48	MATTHEW JOSEPH SANDOZ	DC 649809 1/6/51 DA 980 0427 4473			
12/47	DAVID MICHAEL CRONIN	DC 822261 11/12/52 DA 970 8989 4473	180	00	
11/47	JAMES GILLIS FOWSTON	DC 864962 11/29/57 DA 970 8730			
11/47	JAMES PHILLIP ELLIS	DC 1105251 11/102/57 DA 970 8894 4473			
12/47	LINDA MAURE SAKTON	DC 0918394 11/12/57 DA 970 89112 4473			
12/46	BILLY LLOYD MACE	DC 756860 11/16/48 DA 980 2546 4473	644	55	
20/48	ROBERT LEE GOSS	DC 641260 5/110/48 DA 980 3606 4473	200		

FIREARMS

ACQUISITION AND

DESCRIPTION OF FIREARM		RECEIPT				New/Used (optional)		
Trans-Action # (optional)	MANUFACTURER AND/OR IMPORTER	MODEL	SERIAL NUMBER	TYPE	CALIBER OR GAUGE	DATE	NAME AND ADDRESS OR NAME AND LICENSE NUMBER	
	S&W	MICULEY 622	CEL0009	Revolvr	357mag	12/8/00	ESL collector and 217 collector w/1	
	American West	Pencmarks	P1736	Revolvr	45LC	12/8/00	ESL metallic DR 4405 LUTHER PARK FEL	
	Schmidt & Rubin	K31	750693	Rifle	7.55auss	12/8/00	ESL F&S 1745F 3330 mouth OH 45662	Trans
	Colt	MK # Tracker 23/32	5419539	Revolvr	22	12/9/00	ESL 3650 TX 4405 OH 15363	
	S&W	Match 38	360949	Revolvr	38	12/9/00		US
	Colt	Diamond Back 22 Semi Auto	361502	Revolvr	22	12/9/00		
	Colt	Presumably	7029	Pistol	22	12/9/00		
	S&W	24-3 Tracker MK II	AFS1712	Revolvr	44	12/9/00		
	Colt	Tracker MK II	Y21394	Revolvr	22	12/9/00		
*	Winchester	1897	E681122	Shotgun	12ga	12/9/00	ESL 1745F 3330 mouth OH 45662	

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DISPOSITION RECORD

27 CFR Sections 178.121 and 178.127 specify that dealer records shall be in permanent form and retained on the licensed premises for 20 years after last disposition. Records must be available for inspection by BATF officers during business hours. Within 30 days after discontinuance of business, the records shall be sent to the ATF OUT-OF-BUSINESS RECORDS CENTER, 2029 STONEMALL, JACKSON DR., FALLING WATERS, WV 25419 or any BATF Regional Office.

DISPOSITION					
DATE	NAME	ADDRESS OR LICENSE NUMBER IF LICENSEE; OR FORM 4473 SERIAL NUMBER IF FORMS 4473 FILED NUMERICALLY	Cost (optional)	Amount Received (Before Tax) (optional)	Inventory Number (optional)
12/28/00	Ronald Wayne Davies	7/31/1101578 D ^C	678.59		
3/12/01	Alfred Joseph Matuszski	6/8/851525 D ^C 3/58/01 D ^C 0840-D22 D ^C 0101663 0789-6D5	534.44		
12/8/00	Robert Michael Thomas	3/25/15574974 D ^C 12/37/00 D ^C 8151			
12/29/00	Thomas Howard Tuller	3/26/155728324 D ^C 12/16/00 D ^C 0840-9114	225		
2/24/01	Richard Lee Ackerman Roy G. Crippen	1/15/152589867 D ^C 2/11/01 D ^C 776	250		
12/22/00	Guns Plus		225		
12/27/00	Ron Luma + More Inc		275		
3/8/01	Beerys Trading Post		225		
12/23/00	Robert Charles Rumbie	5/1/560101 D ^C 12/13/00 D ^C 0840-8907	250		
3/27/01	Richard Lee Ackerman	1/18/589867 D ^C 3/13/01 D ^C 0840-776	250		
12/4/00	William Edward Taylor JR	7/1/643456 D ^C 12/42/00 D ^C 078W-61CF			

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FIREARMS

ACQUISITION AND

DESCRIPTION OF FIREARM							RECEIPT		
Table # (optional)	MANUFACTURER AND/OR IMPORTER	MODEL	SERIAL NUMBER	TYPE	CALIBER OR GAUGE	DATE	NAME AND ADDRESS OR NAME AND LICENSE NUMBER	New/Use (optional)	
	Ruger	MR II	21889467	SEM1	22	3/22/98	311 CH DEES		
	Ruger	MR II	21891512	SEM1	22	3/22/98	FEL 57 35240		
	Walther	PRK	A086165	SEM1	380	3/22/98			
	Berkth	Tomcat	PAH 176253	SEM1	38	3/22/98			
	S&W	Sigma 9	PAL 9003	SEM1	9mm	3/22/98	RESOR 9 UC Road 631 9th Ave W/19 DE 15901		
☆	C&H AND GARD	m1	344914	SEM1	308	3/22/98	JAMES L CHESMAN WHITE OAK DR Middlebury DE 17029	BUREAU OF COLLECTION	
☆	Poly Tech	AK 47S	PA708799	SEM1	7.62x34	3/20/98	JAMES L CHESMAN WHITE OAK DR Middlebury DE 17029	BUREAU OF COLLECTION	
	R&M JVC	MAKSMAN 1111	USMC 48	SEM1	RECUE- only	3/21/98	JAMES L CHESMAN WHITE OAK DR Middlebury DE 17029		
	R&M JVC	MAKSMAN R&M	2021165	SEM1	45	3/21/98	JAMES L CHESMAN WHITE OAK DR Middlebury DE 17029		
	R&M	MAKSMAN	USMC 47	SEM1	RECUE- only	3/21/98	JAMES L CHESMAN WHITE OAK DR Middlebury DE 17029		
	UNDERWOOD	45 m1	6140264	SEM1	30	3/21/98	ELMER ARMS & REPAIR 319 Willow Grove Rd Hartsgrove NY 08518		
	Prunings	H1 Power	6102	SEM1	4mm	3/24/98	PAULS EICHENBERG 1616 23 13624		
	IM/V21	MOD A	SA 36045	SEM1	4mm	3/23/98	JOSEPH L GARDNER 12 Montague Rd Newark DE 15713		
	COBBRAY	m11	840066 571	SEM1	9mm	3/23/98			

DISPOSITION RECORD

27 CFR Sections 178.121 and 178.127 specify that dealer records shall be in permanent form and shall be retained on the licensed premises until discontinuance of business. Records must be available for inspection by BATF officers during business hours. Within 30 days after discontinuance of business, the records shall be sent to the ATF OUT-OF-BUSINESS RECORDS CENTER, 2028 STONEWALL JACKSON DR., FALLING WATERS, WV 25419 or any BATF Regional Office.

DATE	NAME	ADDRESS OR LICENSE NUMBER IF LICENSEE OR FORM 4473 SERIAL NUMBER IF FORMS 4473 FILED NUMERICALLY	Cost (optional)	Amount Received (Before Tax) (optional)	Inventory Number (optional)
4/2/98	Robert Bryan Seward	DE 1048144	292	80	
3/21/98	Thomas Wayne Godwin Jr	DE 940867	292	80	
3/11/00	Henry Euthene Reeves Dupont 2ND	DE 963448	399	51	
2/30/98	Alan Tacey Evans	DE 854452	238	21	
3/21/98	James C Walker	DE 454732	200		
3/21/98	Edward Clarence Curie	DE 1090815			
3/21/98	Anthony Thomas Saldutis	DE 0510117			
4/20/98	Myers L Chesterton	OWNERS RECORDS COLLECTION			
3/24/98	David Vincent Robinson	DE 790724			
3/24/98	Thomas Mitchell Quirk	DE 1117970			
9/12/98	Stephen Chaplin Leahy	MD 6000777 115934			
10/6/98	Victor Richard Fekere	DE 742221	275		
3/20/98	George Alfred Gibson Jr	DE 741008	200		
4/17/98	Keith Lee Harmon	DE 1137535	175		

FIREARMS

ACQUISITION AND

DESCRIPTION OF FIREARM						RECEIPT	
TRANS- ACTION # (optional)	MANUFACTURER AND/OR IMPORTER	MODEL	SERIAL NUMBER	TYPE	CALIBER OR GAUGE	DATE	NAME AND ADDRESS OF NAME AND LICENSE NUMBER
	German	P 08	1500	semi	9mm	4/4/98	Harry S Hughes 3024 Maple Shade Livingston DE 17810
	Ruger	Govt Target MK II	01755028	semi	22	4/4/98	ROBERT E WOOSTER 2100 Peachtree Dr Wilms DE 19805
	Remington	11-87	PC364039	semi	12gr	4/4/98	FRANCIS LARDEY JR 17381st Knott Rd Newark DE 19711
	Remington	870	A6422832	comp	20gr	4/4/98	✓
	Marlin	882	08605448	bolt	22 line	4/4/98	DE GUN TRAINING 15 North East MD
	Ruger	MK II	02129883	semi	22	4/6/98	JAMES J REESCORP 35 Dimpsey Dr Newark DE 19715
	Kel Tec	P 11	47211	semi	7mm	4/7/98	ROBERT DORR PO BOX 310764 Cincinnati OH 452210764
	Kel Tec	P 11	46788	semi	5mm	4/7/98	✓
	H&I	USE 445	29003717	semi	45	4/7/98	✓
	Roly Tech	AK 762	CE10658	semi	762x35	4/9/98	JAMES L CHESTERMAN C WHITE OAK DR Middletown DE 19711
	Sw	SW40V	RAY8644	semi	40SW	4/9/98	PMEELO SHABAZZ 1122 Long Road St Wilms DE 19801
	Sw	10	C850821	revolver	38S&P	4/9/98	DE3 BOCKALEC 1337 Sy Camille Ave Wilms DE 19805

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DISPOSITION RECORD

27 CFR Sections 178.121 and 178.127 specify that dealer records shall be in permanent form and shall be retained on the licensed premises until discontinuance of business. Records must be available for inspection by BATF officers during business hours. Within 30 days after discontinuance of business, the records shall be sent to the ATF OUT-OF-BUSINESS RECORDS CENTER, 2029 STONEWALL JACKSON DR., FALLING WATERS, WV 25419 or any BATF Regional Office.

DISPOSITION		ADDRESS OR LICENSE NUMBER (IF LICENSEE OR FORM 4473 SERIAL NUMBER IF FORMS 4473 FILED NUMERICALLY)		Cost (optional)	Amount Received (before tax) (optional)	Inventory Number (optional)
DATE	NAME					
8/3/98	Jeffrey Stephen Miller	DE 1180455	8/3/98 DA 5804581			
1-9-99	Keith Allen Conrad	DE 935414	1-24-99 DA NCC739	150		
9/30/98	Robert William Rader	DE 887780	9/26/98 DA -		600 Fox 2	
11/22/98	Robert Phillip Hart	DE 526565	11/26/98 DA -			
4/6/98	Robert Clifford Mullett	DE 301861	4/15/98 DA 9802543			
4/18/98	James Elsteren Records	DE 749755	4/15/98 DA 9802282	250		
5/3/98	Ronald William Wix	DE 223420	5/17/98 DA NCC 613	220	60	
5/22/98	George William Swine	DE 562091	5/10/98 DA NCC 1149	180	50	
4/10/98	Christopher Thomas Campbell	DE 630518	4/27/98 DA 9802603	583	50	
4/11/98	George Alfred Mason	DE 741008	4/22/98 DA 9802642			
4/11/98	Stephen Paul Kewch	DE 303724	4/33/98 DA K 381	250		
5/13/98	Wesley William Bailey	DE 432250	5/20/98 DA 9803322	150		

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FIREARMS

ACQUISITION AND

Trans action # (optional)	MANUFACTURER AND/OR IMPORTER	DESCRIPTION OF FIREARM				RECEIPT		New/Us (option)
		MODEL	SERIAL NUMBER	TYPE OF ACTION	CALIBER OR GAUGE	DATE	FROM WHOM RECEIVED (Name and Address or Name and License Number)	
	Evfield	10-515 45	V15297	Bolt	303	7/26/92	PAULY ARMS CO 689 Bedford Ave Ridgefield NJ 07657	NEW
	Quincy Pump	SKS	11171304I	SEM	762X39	7/26/92	PAUL E SMITH 112 STANLEY DR NEWARK DE 19713	NEW
	SW	45 DL	TEN 7054	SEM	45 ACP	7/26/92	503 H 7873 215 W ROOSEVELT AVE NEW CASTLE DE	NEW
	Ruger	KP950	31120311	SEM	9MM	7/29/92	ROHLAND 121-17973	NEW
	SW	10	D881417	Revoluer	38	7/29/92	ROTHMAN 3801 E 11TH 2309 WILSON BOAT GRND PIKE WILM DE 19808	NEW
	HAWES	WESTERN MIRASHAW	47521	Revoluer	44 R&S	7/30/92	TED DECKER SIC STATION 11E DE 14720	NEW
	Colt	Govt MIRASHAW	PS47661 MK II	SEM	380 ACP	7/31/92	RSR North 21 Trolley Circle Rochester, NY 14606	NEW
	Keltec	P11	14607	SEM	9MM	7/31/92	RSR North 21 Trolley Circle Rochester, NY 14606	NEW
	Winchester	94	6247563	LEVER	456	7/31/92	RSR North 21 Trolley Circle Rochester, NY 14606	NEW
	SPRINGSFIELD	1411 A1	30540	SEM	45	7/31/92	JAMES DECKER'S LICENSED A/C 20 ORK VIEW DR DEARBE DE 14702	NEW
*	Mitchell Pump	4911 45 HUSKIE HUSKIE	M951613	SEM	45	7/31/92	JAMES DECKER'S LICENSED A/C 6 WHITEHORSE DR MIDDLEBURY DE 14705	NEW
	Thompson Pump	440105	440105	S&W S&W	30REM	8/1/92	CEI 5833507	NEW
	Ruger	mini 14	18275040	SEM	22S	8/1/92	DECKER DECKER'S/LE 688 J-6 DE 14705	NEW
	Ruger	K945	31120384	SEM	9MM	7/29/92	RSR North 21 Trolley Circle Rochester, NY 14606	NEW
	Bemington	870	AS97115A	Pump	209R	8/2/92	LOUIS AUGER/LETTI JR 8 FARM WAY ELKTON MD 21921	NEW

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DISPOSITION RECORD

27 CFR Sections 178.121 and 178.127 specify that dealer records shall be in permanent form and shall be retained on the licensed premises until discontinuance of business. Records must be available for inspection by BATF officers during business hours. Within 30 days after discontinuance of business, the records shall be sent to the ATF OUT-OF-BUSINESS RECORDS CENTER, 2029 STONEWALL JACKSON DR., FALLING WATERS, WV 25419 or any BATF Regional Office

DATE	NAME	ADDRESS OR LICENSE NUMBER (Licensee) OR FORM 4473 SERIAL NUMBER IF FORMS 4473 ARE FILED NUMERICALLY	Cost (optional)	Amount Received (Before Tax) (optional)	Inventory Number (optional)
7/26/90	JAMES EDWARD WOODHURST	DC 604 972 7/7/96 PA 500 5855	171	55	
8/12/96	KENNETH HOWARD LOMB	DC 1090401 8/24/96 OH 960 6246 4473 460010865			
9/8/96	ALLEN GUSTAV NELSON JR	DC 0513 880 9/4/96 OH 960 6543 4473	300		
7/30/91	RAYMOND EMMIS WATKINS JR	DC 592287 7/8/96 OH 960 5929 4473	2665	48	
11/7/98	VICKI LYNN RICKERT	DC 918577 11/5/98 OH 960 797 4473	200		
9/24/91	LEONARD JAMES WILLIAMS	DC 850762 9/10/96 OH 960 7366 4473	117		
8/30/91	ROBERT CLYDE RATH	DC 108 6031 8/5/96 OH 960 819 4473	333	95	
8/12/91	HARRY JAMES DOBBS SR	DC 725000 8/22/96 OH 960 6245 4473	194	95	
9/14/91	JAMES CHRISTOPHER OGONOWSKI	DC 630744 9/6/96 OH 960 7113 4473	304	95	
7/6/98	EUGENE SCHOFFER RODRIGUEZ	DC 1102 832 7/22/98 OH 960 4401 4473	175		
7/31/91	JAMES FERNANDO KEMENECAL	DC 1106062 7/8/96 OH 960 5550 4473			
8/1/96	DACE LEWIS BOULDER	DC 763226 8/1/96 OH 960 5559 4473	545	90	
9/14/91	KEVIN WALTER SYMONS	DC 967897 9/68/96 OH 960 906 4473	800		
8/1/96	ALBERT M STELL JR	DC 10900202 8/5/96 OH 960 5598 4473	468	48	
11/20/91	KELLEY ARLINE TAYLOR	DC 849844 11/14/96 OH 960 9444 4473	125	00	

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FIREARMS

ACQUISITION AND

DESCRIPTION OF FIREARM						RECEIPT	
#	MANUFACTURER AND/OR IMPORTER	MODEL	SERIAL NUMBER	TYPE OF ACTION	CALIBER OR GAUGE	DATE	FROM WHOM RECEIVED (Name and address or Name and License Number)
	Ruger	P 89	30939 598	SEMI AUTO	9 M	12/23/94	Ashland Shooting Supplies 110 Baird Pkwy Mansfield, OH 44903
	Ruger	VAQUELLO	55 26179	REVOLVER	45	12/23/94	CHAMPOLIS GUN SHOP RT 5 BOX 507 NEW CHATHAM, PA. 16105
	EMINSTER	870	B18X156M	PUMP	12 GA	12/23/94	EDWARD S STANLEY 835 SPARROW LN DEAR DE 19701
	MOSSBERG	500	ARC 60 1058A	PUMP	20 GA	12/23/94	EDWARD S STANLEY 835 SPARROW LN DEAR DE 19701
	SISSONER	P230	50 48339	SEMI AUTO	300 ACP	12/23/94	RSR North 21 Trolley Circle Rochester, NY 14608
	Smith Wesson	SIGMA	PAE 8232	SEMI AUTO	40 SW	12/23/94	RSR North 21 Trolley Circle Rochester, NY 14608
	Ruger	P90	660 61193	SEMI AUP	45	12/23/94	WILLIAM F DEWINS 27 PEAPEN CRT F NEWARK DE 19702
	SMITH WESSON	639	TAR 8714	SEMI AUTO	9 M	12/23/94	JAMES F RECORDS 35 DEMISEY DR NEWARK DE 19713
*	Pasa Ordance	P 12	RT 4691	SEMI Auto	45	12/24/94	JAMIE L CHRESTMAN 1800 MC ORK DR MIDDLETOWN DE 19709
	S...	6406	VAV 3828	SEMI Auto	9 M	12/27/94	VICTORIA LYNN JONES 317 MANUPAY CT DEAR DE 19701
	Colt	22	PH 14792	Semi Auto	22 LR	12/27/94	RSR North 21 Trolley Circle Rochester, NY 14608
	Glock	21	AYC 92305	SEMI AUTO	45	12/27/94	RSR North 21 Trolley Circle Rochester, NY 14608
	MALLEN	m 9 CAMP GREENLINE	0653 8119	SEMI AUTO	9 M	12/27/94	RSR North 21 Trolley Circle Rochester, NY 14608
	PHOENIX	HP 22	4032121	SEMI AUTO	22 LR	12/27/94	RSR North 21 Trolley Circle Rochester, NY 14608
	PHOENIX	HP 22	4032767	SEMI AUTO	22 LR	12/27/94	RSR North 21 Trolley Circle Rochester, NY 14608
	EAR	Witness	AE 48445	SEMI AUTO	9 M	12/27/94	CAMFOUR INC 65 WESTFIELD IND PARK RD WESTFIELD MA 01085-1693
	EAR BENE LLI	MP 95E	021528	SEMI AUTO	22 LR	12/27/94	CAMFOUR INC 65 WESTFIELD IND PARK RD WESTFIELD MA 01085-1693
	SMITH WESSON	SISMA	PAE 8232	SEMI AUT	40 SW	12/27/94	VICTORIA LYNN JONES 317 MANUPAY CT DEAR DE 19701
	SMITH WESSON	629	CAD 0914	REVOLVER	44 MAS	12/27/94	CAMFOUR INC 65 WESTFIELD IND. PARK RD WESTFIELD MA 01085-1693
	ROSSI	88	W 334553	REVOLVER	38	12/27/94	SIZE DIST. INC 998 MCCOLONY RD MERRIDEN CT 06460

DISPOSITION RECORD

licensed premises until discontinuance of business. Within 30 days after discontinuance of business, the records shall be delivered to the Regional Regulatory Administrator for the region in which the business was operated. Records must be available for inspection by ATF officers at all reasonable times.

DISPOSITION

DATE	NAME	ADDRESS OR LICENSE NUMBER (If Licensee) OR FORM 4473 SERIAL NO. (If Non-Licensee) (File Numerically)
1/13/95	LOUIS EDWARD LYONS	4473 1/30/95 DA 53284
2/23/94	BOYCE R IRWIN	4473 12/87/94 DA 52411
4/94	JESSE DEAN HANDLIN	4473 1/6/95 DA 52910
1/22/95	DENNIS C GULLIHAN	4473 1/82/95 DA 53728
26-94	FRANKLIN R ROBINSON	4473 12-94-94 DA 52547
1/27/94	VICTORIA LYNN JONES	4473 12/105/94 DA 52614
1/25/95	JOHN E THORGERSEN	4473 1/112/95 DA 53848
1/24/94	JOHN R DAVIDSON	4473 12/97/94 DA 52555
2/22/94	VICKI LYNN PUCKETT	4473 2/78/94 DA NCC 727
1/26/95	STEVEN L HUGHES	4473 1/116/95 DA 53855
2/27/94	EDWARD CLARENCE CURIE	4473 12/101/94 DA 52612
1/7/95	RICHARD LEE SMITH	4473 1/14/95 DA 53047
3/2/95	DENNY R COHENOUR	4473 3/6/95 DA 55234
1/14/95	SETH THOMAS YOUNG	4473 1/46/95 DA 53407
1/14/95	DAYLE LAURENCE REPRECHT	4473 1/40/95 DA 53366
4/5/95	LEONARD J WILLIAMS	4473 4/65/95 DA 56603
1/28/94	BOYCE WAYNE COOK	4473 12/110/94 DA 52662
1/31/95	DAVID LAWRENCE FINNEY	4473 1/133/95 DA NCC 933 LION C10862
2/5/96	JOHN MOULAN FISHER	4473 11/95/96 DA 960 9432
1/1/95	HENRY P MARRERO	4473 4/2/95 DA 56471

FIREARMS

ACQUISITION AND

Trans- action # (optional)	DESCRIPTION OF FIREARM				RECEIPT			New/Used (optional)
	MANUFACTURER AND/OR IMPORTER	MODEL	SERIAL NUMBER	TYPE	CALIBER OR GAUGE	DATE	NAME AND ADDRESS OR NAME AND LICENSE NUMBER	
	S&W	MICRO Y&S 627	CEL0009	Revolver	357mag	12/8/00	EST 21720119 RICHESMAN	
	American West	PENEMAKE	P1736	Revolver	45LC	12/8/00	EST 4405 METALIC DIE WINTER PARK, CO	
	Schmidt & Rubie	K31	750643	Rifle	7.55auss	12/8/00	FGS 2330 17X57 PETERS MOUNT OH 45662	TRM
	Colt	MK# TROOPER 22/32	5419539	Revolver	2-1	12/9/00	SLAESC 2330 CAMPUS/RED DYERD PA 15363	USED
	S&W	550660 MATEH38	360949	Revolver	32	12/9/00		
	Colt	DIAMOND OFFICER	934012	Revolver	38	12/9/00		
	Colt	BACK 22 SEMI AUTO	361502	Revolver	22	12/9/00		
	Colt	PRECISION	7029	Pistol	22	12/9/00		
	S&W	24-3	AFS 1712	Revolver	44	12/9/00		
	Colt	TROOPER MK II	Y21394	Revolver	22	12/9/00		
	Winchester	1897	EC81122	Shotgun	12ga	12/9/00	IMES & CHESSEMAN 600 HENRY DR MIDDLETOWN DE 19702	

EXHIBIT 4

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES L. CHEESEMAN,

Defendant.

Criminal Action No. 07-124-SLR

AFFIDAVIT

STATE OF DELAWARE)
) SS.
NEW CASTLE COUNTY)

COMES NOW, Nancy Macknatt, having been sworn according to law deposes
and says that:

- 1) I have reviewed my testimony as transcribed on page 83 of the transcript prepared in the above-captioned matter dated August 11, 2008;

- 2) Specifically, I have reviewed the following testimony appearing between lines 3 and 10 of said transcript:

"Q: In whose name is the Federal Firearms License in now?

A: It's in the business name, X-Ring Supply LLC.

Q: And who owns that?

A: My sister, Pam Rhoades, and I.

Q: And is Jim Cheeseman any part of that operation at the present time?

A: Yes.

- 3) The answer to the last question cited above is incorrect and should read:

"No".

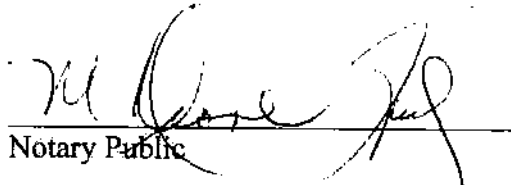
4) James Cheeseman has no interest whatsoever either through ownership or operation of X-Ring Supply LLC.

5) I believe my answer to that question when asked was "No" and that the error is one of transcription.

Date: 8/21/08


NANCY MACKNATT

Sworn to and subscribed before me this 29th day of August, 2008.


Notary Public

**M. DIANE QUIMBY
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires Nov. 24, 2008**